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ABSTRACT

Based mainly on personal experience and conditions prevailing in Malaysia, this discussion of juvenile delinquency explores (1) the extent of the problem; (2) some causative factors from a theoretical viewpoint; (3) criminal justice system provisions for dealing with the problem; and (4) preventive measures. In Malaysia, between 1960 and 1980 the number of juvenile offenders brougnt before the courts increased by nearly 40 percent. Nearly all offenders were male. Only 0.14 percent of all minors were delinquent. As in other countries, delinquency in Malaysia is largely an urban phenomenon brought about mainly by the process of national development and, more specifically, by the increasing pace of industrialization and urbanization. Poverty, in itself, is not a cause, but combined with other circumstances may induce delinquency. Other possible causes of delinquency are suggestd by cultural-transmission theory, psycho-biological perspectives, and family and community factors. When a juvenile has been found guilty of a crime, courts may order either institutional or community-based treatments, depending on the gravity of the offense and other factors. In treatment, community influence is great. Through carefully selected volunteers, the community can help juveniles grow out of their delinquency. The family, in various ways, can play a vital role in the prevention of delinquency. (RH)

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Juvenile Delinquency and Some Measures to Control Its Increasing Trends

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INTRODUCTION

Delinquency is normally considered as a form of deviancy among children and for the purpose of this paper, it is so defined. In addition, there is one other criterion, namely, only those young people who have commited criminal offences are to be considered as juvenile delinquents. This somewhat narrow interpretation is necessary in order to limit the perspective or scope of this paper.

It must be stated at the outset that although some general statements are made in this paper, much of the references are largely based on the writer's own experiences and the conditions prevailing in Malaysia. This rather limited step has to be adopted in view of the dearth of materials, specially relevant data, relating to a similar problem in other countries.

What follows is a brief exposure of the main aspects of what is generally regarded as a serious problem. The aspects discussed here are: (1) the extent of the problem (2) some of the causative factors from a theoretical viewpoint (3) criminal justice system created specifically to deal with this problem and (4) some suggestions on preventive measures..

It is hoped that in the course of the discussion, some innovative ideas could be developed so as to improve social and other conditions in the community thereby reducing delinquency as well as creating or developing better strategies and essential framework or structures in order to deal with this problem more effectively.

EXTENT OF DELINQUENCY PROBLEM

The number of persons involved as the main protagonists and the size of the group to which they belong offer reasonable bases for assessing the magnitude of the problem of juvenile delinquency. Before attempting to

answer the question regarding the number of juvenile offenders, the following clarifications are needed. A distinction between males and females should be made, the reason being that females are generally far less delinquent than males. The proportion of male and female juveniles living in urban and rural areas must be determined because juvenile delinquency is, in most cases, an urban phenomenon. Finally, only those who have committed an act which, if committed by an adult would imply criminal prosecution, should be considered as offenders. With this interpretation, juveniles who are merely in need of attention such as those requiring care and protection or assistance but who have not committed an offence are excluded. The wayward girls and the juvenile prostitutes are likewise excluded from this category as they have in fact not committed any criminal offence.

What is the average percentage of juvenile offenders among minors? It is difficult to have a figure on this as it varies from country to country. The percentage is never constant in view of changes taking place from time to time and there is also a noticeable difference between the urban and the rural areas. In each country, a diversity of factors such as family situation, standards of living, education, working conditions, attitudes of the community or neighbourhood play a significant role in determining the patterns of incidence of delinquency. Yet in some countries, it has been said that one out of every three boys become delinquent at some time or other, particularly in urban areas. In others, the percentage is between 15 and 20. In the less developed areas, the proportion is estimated to be between 1 and 5%.[1]

As it is rather difficult to obtain the statistics in relation to the number and percentage of juvenile offenders over a period of time from other countries, data from Malaysia is used to provide some indication if they conform to the general statement above. Table 1 shows the number of juvenile offenders brought before the courts, both juvenile and adult courts, in Malaysia from 1960 to 1980. Although the number dropped by 4.06% in 1965, it increased again in subsequent years to give an overall 39.3% increase in 1980 over 1960.

Table 1
Number of Juvenile Offenders Brought Before the Courts in Malaysia from 1960 to 1980

Type of Offenders	1960	1965	1970	1975	1980	1960– 80
Against Property	1,098	1,280	1,419	2,874	2,474	
Against Persons	148	116	110	147	312	
Sexual Offences	–	11	24	21	31	
Gambling	19	96	194	99	104	
Others	1,248	908	733	333	580	
Total	2,513	2,411	2,480	3,474	3,501	+39.3%

Source. Malaysia, Ministry of Welfare Services.

With a total population in 1980 of 13.14 million people, of which 2.25 million are children between the ages of 10 and 18 years (minors), the proportion of juvenile delinquents to the number of minors is only 0.14%. This figure is certainly much lower than the 1–5% attributed to the less developed countries.

The extent of female juvenile crime is more difficult to ascertain as the role played by women in general and girls in particular varies greatly from country to country. According to one research, the ratio is put as between 30–40 juvenile males for every female.[2] Table 2 which shows the male/female breakdown of the delinquent population in Malaysia during 1960–1980 indicates that the proportion is 1 female to about 41 males which falls within the estimated norm.

Table 2
Number of Female Juvenile Offenders in Malaysia from 1950 to 1980

Year	Male	Female	F/M (in %)
1960	2396	117	4.88
1965	2327	84	3.61
1970	2396	84	3.51
1975	3412	62	1.82
1980	3417	84	2.46

Source. Malaysia, Ministry of Welfare Services.

CAUSATIVE FACTORS IN JUVENILE DELINQUENCY

From the empirical evidence available, it is found that juvenile offenders are more likely to come from low socio-economic families. Many are from broken homes and are often found to be living in slum and squatter surroundings. Those who attended school are also likely to be from large families with a large number of siblings. These same characteristics are probably those of offenders in other countries. However, these characteristics in themselves do not adequately explain the causation of juvenile delinquency. The question is why do the majority of poor kids with identical background do not break the law?

Social phenomena are seldom given to simple cause-and-effect explanations. A simple act deemed to be delinquent can in fact be viewed from several theoretical and philosophical perspectives. It is now universally accepted that no single factor can be said to be the cause of a delinquent act or behaviour. Simply put, it does not stand up to examination when one particular factor that is said to be the cause of delinquency in one individual does not result in delinquency in another. This is enough to demolish the mono-factor theory of delinquency. For example, poverty

is not in itself a cause but in combination with other circumstances may induce delinquency. Cohen and Short[3] have made out a case by explaining that: 'the presence of one of these factors contributes a push in the direction of crime; the addition of a factor increases the strength of the push; and a third factor increases it still more, and so on'. For more adequent explanations, we may have to resort to some socio-psycho-biological theories of delinquency.

In Malaysia as in other countries, delinquency is largely an urban phenomenon brought about mainly by the process of national development and more specifically, by the increasing tempo and pace of industrialisation and urbanisation. This accounts for the preponderance of cases in the more urban setting. This process of development, while solving important national problems, gives rise to other unintended problems – a higher level of crime and delinquency. Government policy and development efforts have raised the level of expectation of adults and youths alike. In their effort to realise their expectations, they are caught up in a struggle which is often marred with frustrations and disillusionment. Merton's[4] formulation of the anomic theory is relevant to such a context. This theory relates to the desired ends and the means to achieve them. In Malaysia, with the tremendous development efforts and the exhortations to grasp the available opportunities, an achievement-oriented society becomes its off-shoot. Frustrations, however, result when the desired goals are unattainable through institutionalised means which is somehow limited. A state of anomie is said to prevail when individuals do not follow the normative means of reaching the desired goals.

Delinquency can also be explained in the context of differential association. This is also known as the cultural-transmission theory. Sutherland[5] is also credited for the explication that criminal behaviour is learned in the process of communication and interaction with other people. The person learns the values, attitudes and also criminal techniques of those he associates with. Such exposure to delinquent values and their resultant acceptance are likely to prompt a person into practising what we refer to as 'delinquent culture'. This probably explains that 'bad associations' have contaminating influences. The simple truth is that when one learns from another who is 'bad', one is likely to become 'bad' himself.

There are also the psycho-biological perspectives to delinquency. This perspective holds that the innate forces predispose an individual to criminality. This is tantamount to saying that the predictive elements in delinquency are, because of the individual's inherited characteristics, present in the individual from the time of his birth. However, the commonly held view is that both nature and nurture are equally important factors in developing delinquency. Closely related to this perspective is the important factor of maturity. An individual, because of his immaturity in thinking and reasoning and his restricted faculty for making sound judge-

ments, leads him to breach the social standards and norms without the full restraining force from within.

Social workers in particular are concerned about family dynamics in the causation of delinquency. What a person will be, whether he is going to be wholesome and a secure individual, depends very much on his treatment at home. If a child is too often punished for telling the truth, he learns over time, to lie and be dishonest. He learns that it does not pay to be honest and his pattern of behaviour will likely to revolve around escaping punishment by dishonest means. This experience may well be extended to his outside world. Family dynamics in regard to attention, love and affection, give and giving and the proper impartation of societal norms and values are important dimensions to influencing and shaping socially acceptable behaviour patterns in the individual.

All in all, the opportunity factor in crime and delinquency should not be overlooked in the explanation of causation. When an opportunity does not present itself to the commission of an act, such act may well not take place. This may be so when control and supervision are present. This can be extended to imply that people are law-abiding not because they respect the law or are inherently law-abiding. They do not get themselves involved in crime and delinquency because of the presence of control and supervision. Individuals are more likely to observe the law because of the high risk of getting caught and having to suffer the consequences of punishment. This re-emphasises the importance of the internalisation of socially sanctioned norms and values and proper social control over the young.

JUDICIAL SYSTEM

Where an offence of criminal nature has been committed by the delinquent child, he has to undergo some forms of judicial proceedings. In many countries, there are provision for dealing with juvenile offenders. To cite the example of Malaysia, there is the Juvenile Courts Act 1947 which provides for the hearing of a juvenile case before a court specially convened for the purpose. Present at this court are the court president who is a member of the judiciary and two advisors drawn from a list of members of the public selected to perform this function. There is then the prosecuting officer, the witnesses, the Probation Officer and the child's parents or guardians. The members of the public and the Press are barred from this court.

Having ascertained the guilt on the part of the child, the court then determines the most appropriate treatment or rehabilitation approach for the child, based on the report of his social background prepared by the Probation Officer. In disposing the case, the court has several options ranging from a mere caution to the execution of a bond of good behaviour for a specified period, with or without surety/sureties, the placement under the supervision of a Probation Officer for a specified period, with or

without a condition of residence, to a committal to a corrective or approved institution. The type of treatment meted out is largely based on the gravity of the offence and the willingness, capability and suitability on the part of the parents or guardians to exercise proper control and guardianship over the child. In most cases, should the prognosis appear favourable, no committal to an institution is made.

Institutional Treatment

Once the court has made a committal order, the child is sent to a corrective or approved institution where he is to remain for a period, usually three years. During this time, he is placed with other boys who have been similarly committed. He is taught some forms of academic and technical skills in preparation for his eventual release. Although training in various forms are emphasised, the inherent reasons behind these activities are to inculcate discipline, regular working habits and good human relationship in the child.

The child is encouraged to communicate with his parents either through correspondence or visits. Reports of his progress are regularly sent to the local Probation Officer who would then communicate with the parents. In the meantime, the Probation Officer would continue contact with the parents so that they would be prepared for his eventual return to the family.

Community-based Treatment

When the juvenile is assigned to the Probation Officer for his supervision, he would set out a working plan with the juvenile and his parents in order to put him back in his environment as quickly as possible. Should he be in a position to continue with his education, arrangements are made for his re-entry or, if necessary, for admission to a new educational institution. If he were of working age, some arrangements are made for his employment. Several conditions are then laid in order to ensure conformity on the part of the child.

The parents are advised to exercise proper care and supervision over the conduct and behaviour of the child. During the course of the supervision period, there is a regular exchange of visits between the child and his parents and the Probation Officer. The officer would make himself available for consultation on any matter pertaining to his welfare. This relationship terminates the moment mandatory supervision period ends. However, in many instances, this established relationship continues unofficially, especially on the part of the child or his parents should be get himself into difficulty again.

Similar pattern of supervision is exercised in the case of a child on trial released from a correctional or approved institution.

Comments

Since most of the juvenile offenders brought before the Juvenile Courts plead guilty, there does not seem to be any further need for the participation of the judicial person whose main function is to determine the innocence or guilt of the accused offender. That function having been disposed of by way of the guilty plea, it is felt that the remaining function of determining the most suitable treatment for the offender could well be passed on to lay persons. It is noted that such an arrangement has been practised in some countries and similar arrangements could be effected in many other countries, including Malaysia, if found feasible. In the case of Malaysia, this arrangement, if adopted, would release the magistrates from this aspect of the work with juvenile, enabling them to attend to the more pressing criminal and civil cases in the open courts.

From the court proceedings, it would appear that since it is the child that has committed the offence, he should undergo treatment or 'punishment'. It is felt that the court should satisfy itself that the parents or guardians have actually exercised proper care and guardianship over the child. Should the contrary be proven, it would seem fair if the parents are compelled to exercise greater care and guardianship over the child. In fact, such negligent parents or those who in some way or other have contributed towards the delinquency of the child should be obliged to undergo some forms of rehabilitation themselves because, otherwise, they would again fail in their duties in respect of the same child and the other children in the family.

With the increase in the number of juveniles placed under their jurisdiction, the welfare authorities such as the Probation Officers are unable to perform their supervisory function satisfactorily. Since this is a legal function, only gazetted officials are empowered to exercise control and supervision over the juvenile offenders. It is, therefore, necessary for the authorities to consider mobilising volunteers to assist them especially in the field of supervision – providing friendship and guidance to child and his family. In this respect, the selection and training of such volunteers is particularly important in view of their close association with the child who will be under their influence. The volunteers should be highly motivated and training in the field of human behaviour analysis will be a great help in their work.

No matter how efficient the system of judicial intervention or how good a programme of rehabilitation is, the juvenile needs the support of the community, apart from his parents, in order to grow out of his delinquency. It is to the community that we have to look for the volunteers to perform this task.

Much has been said about the weight of the influences of the peer group. It would be pertinent to consider enlisting volunteers from this

group, the matter being one of many good exercising influence over a few bad ones. However, care must be taken to ensure that the right kind of people are brought together.

SOME PREVENTIVE MEASURES

The preceding discussion deals with the child who has become delinquent and the processes of the legal and judicial systems will have to take their own course. However efficient they may be, the better course of action is to prevent the young one from becoming delinquent, and it is here that the family can play a vital role.

The family has been acclaimed throughout the ages and in all climes as the sole sustainer of human society. It has also been called 'the transfer point of civilisation' through which social, cultural and moral values are transmitted from generation to generation. What is learnt in the family becomes crystallised in the psyche of the child and carries on in later life as a member of society.

Education and socialisation in the family, therefore, should be viewed as fundamental in any study of delinquency. Education should consist of bringing out the latent elements in the child. It should be regarded as preparation for an on-going life, and the family, therefore, has an important role to play.

The lack of wholesome parental interest in a child, especially on the part of the mother, tends to contribute to the development of excessive feelings of insecurity and anxiety. This, in turn, may lead to the perpetuation of crime and delinquency by the youngster. A high proportion of the delinquent children are noted to have come from families where the mothers were lax in their discipline and allowed their children to do as they please. A high proportion of the insecure and anxious children are found among those from broken homes whose parents suffer from alcoholism, fail to provide recreational outlets at home and leave the children to their own devices.

Much of the deviant behaviour of an individual has been attributed to a faulty upbringing and, as such, parents have a great responsibility of instilling in their children the discipline and good qualities of social living. They themselves must show good examples by practising and displaying all these qualities. The respect the parents show to their elders would generate similar behaviour in their children.

Differences between generations could be avoided if parents could give the love, care and attention so necessary to their children. Parents should be prepared to be close to their children, sharing their problems and anxieties and ever ready to counsel them when needed. Material offerings cannot be substituted for these efforts. Parents must find the time for their children because they cannot absolve themselves of responsibilities should something go astray with the children at a later stage.

Facilities should be made available for parents to consult specialists should they encounter difficulties with their children. It is the responsibility of the state to provide child-guidance clinics and such other facilities as may be necessary. Social education programmes for young couples should be embarked upon and pursued so that they are made aware of their responsibilities, among other things, in respect of their children. The state machinery as well as voluntary organisations should provide facilities for such education.

The positive attitude of the neighbourhood or community is essential in keeping track of the behaviour of the children in the community. In the more rural environment, members of the community would express their concern over the good behaviour of all, including the children, in a variety of ways. Whenever a child is seen to deviate from the acceptable norm, he would immediately be corrected by the other members of the community, without waiting to report to his own parents. This mutual care and concern over the behaviour of the younger members of the community, in particular, seem to disappear progressively as the community becomes larger as, for example, int he cities.

It is interesting to note that in some countries, steps are being taken to improve or inculcate the spirits of neighbourliness among their inhabitants. This positive step could pave the way for re-establishing mutual checks and control over the forms of behaviour of the smaller communities hence contributing to the reduction of the delinquency problem.

1. M. Lopez-Rey, 'Youth and crime in contemporary and future society', *UNAFEI*, March 1978, p. 74.
2. *Ibid.*, p. 75.
3. Albert K. Cohen and James F. Short, 'Crime and juvenile delinquency' in Robert K. Merton & Robert Nisbet eds., *Contemporary social problems*, New York, Harcourt, Brace, Jovanovich, 3d. ed., 1971, p. 11/-17.
4. Robert K. Merton, *Social theory and social structure*, New York, Free Press, 1957.
5. Edwin H. Sutherland and D.R. Cressy, *Principles of criminology*, 8th ed., Philadiphia, Lippincott, 1970.